THE HIGH COURT OF DELHI AT NEW DELHI

% Judgment delivered on :06.02.2007

\+ **WP (C) 13271/2005**

S. M. SARIN ...Petitioner

- versus -

UNION OF INDIA & OTHERS ...Respondents

with

WP (C) No.17543-46/2005

SUNITA BHATIA & ORS ...Petitioners

- versus -

UNION OF INDIA & OTHERS ...Respondents

Advocates who appeared in this case:

For the Petitioners	:	Mr S. M. Sarin
For the Respondent No.1/UOI	:	Mr Tariq Adeeb with Mr Tarun Kamboj
For the Respondent Nos. 2	:	Ms Jyoti Singh with Mr Ankur Chibber

CORAM:-
HON'BLE MR JUSTICE BADAR DURREZ AHMED

1. Whether Reporters of local papers may be allowed to see the judgment?

2. To be referred to the Reporter or not?

3. Whether the judgment should be reported in Digest?

BADAR DURREZ AHMED, J (ORAL)

1. These petitions are directed against the Office Memorandum dated 13/14.06.2005, issued by the Morarji Desai National Institute of Yoga (the

respondent No.2 herein). The Office Memorandum reads as under:-

"OFFICE MEMORANDUM

> This refers to the join application made by Sadhaks for permission to attend yoga classes beyond six months. The General Body of MDNIY under the Chairmanship of Union Minister of Health and Family Welfare took a policy decision regarding Programme for General Fitness through Yoga that Rs.100/- per month to be charged for a period of three months i.e. one session and one should not be allowed to continue for more than 2 sessions of three months each.
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> Keeping in view of the requests received from some of the sadhaks to continue classes beyond six months by paying Rs.100/- per month, the matter was placed before the Governing Council of MDNIY for consideration. However, the Governing Council stood by the decision of General Body and no change was allowed.
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> This is for information of all."

2. The petitioners are aggrieved by the fact that an outer limit of six months has been fixed to their eligibility to attend yoga classes. The petitioners contend that since they have health problems and they undertake training in yoga for the purposes of curing their health problems, they should be permitted to attend classes even beyond the period of six months till their objective of attaining full health is not achieved. It is the contention of the petitioners that by curtailing the period, the petitioners are being denied their right to be treated fully using yoga.

3. The respondents have filed a prospectus/brochure in respect of the said institute. It is an admitted position that the petitioners are enrolled under

the Health Promotion Scheme (HPP). As per the brochure, this programme was introduced to help yoga aspirants to practice yoga and continue to practice yoga under the guidance of yoga teachers so that they could become confident and proficient enough to practice yoga on their own and also help them to lead healthy and happy lives. The duration prescribed for this programme, as per the brochure, is initially for a period of one month, which can be extended up to a maximum period of six months upon the recommendation of yoga experts of the institute. One of the eligibility conditions is that no person with chronic ailments is allowed to take admission in this programme. The contention of the respondents is that this health programme is essentially for teaching yoga to people who are interested and who want to achieve better health using yoga. The objective of the programme/ course is to make the students proficient enough and confident enough to practice yoga on their own so that they may continue to practice yoga at their residence or any other place without having recourse to the yoga teachers at the institute. Since representations were made on behalf of the persons to extend the yoga classes beyond six months, the same were considered by the Governing Council and after due consideration, the Governing Council stood by the decision of the General Body not to change the time limitation. This is indicated by the impugned Office Memorandum itself.

4. I have considered the contentions raised by the parties and I find myself to be in agreement with those of the respondents. It is clear that the

institute is open to the public and anybody who satisfies and fulfills the eligibility conditions is entitled to the various courses that are prescribed by the institute. The Health Promotion Programme was undertaken by the petitioners and the conditions attached to that programme are that initially it is only for a period of one month, which is extendable to a maximum period of six months and that too on the recommendations of yoga experts. The whole object of the programme is not to treat the persons who undertake this programme but to make them proficient enough to continue the practice of yoga on their own. In the wisdom of the institute, in consultation with the experts, the maximum period of six months has been prescribed. There is no expertise available with this court to determine as to whether this period is inappropriate or not and, therefore, no interference is called for.

5. These writ petitions stand dismissed. However, the petitioners may be permitted to continue the current programme for another one month. There shall be no order as to costs.

BADAR DURREZ AHMED
(JUDGE)

February 06, 2007
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